

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BEFORE THE HONORABLE WILLIAM B. SHUBB**

UNITED STATES OF AMERICA,
Plaintiff,

v.

KEVIN MOECKLY;
True Name: Kevin Lee Moeckly,
Defendant.

**SENTENCING PROCEEDING MINUTES
(IN OPEN COURT)**

Time in Court: 44 minutes

CASE #: 2:22CR00204-03 WBS

DATE: 10/23/2023

Deputy Clerk: Karen Kirksey Smith

Court Reporter: ECRO: M. Francel

For the Government:

Robert Abendroth, Asst. U.S. Attorney

For the Defendant:

Clemente Jimenez, CJA Appointed

Defendant: ☒ Present ☒ In Custody

- ☒ **Judgment and Sentencing - Date of Finding of Guilty:** 6/5/2023 to Count 9 of the Indictment (Docket #1).
- ☒ **Imprisonment:** Pursuant to the Sentencing Reform Act of 1984, specifically referring to U.S.S.G. § 5G1.3(b)(1) and any other relevant provisions of the Act, the defendant is committed to the custody of the Bureau of Prisons to be imprisoned for a term of 89 months, which is a sentence adjusted from 120 months (which would be the bottom of the guidelines), to account for defendant's confinement from March 13, 2021 until October 23, 2023, in relation to the sentence imposed by the First Judicial District Court, Carson City, NV (Docket No.: 21CR001141B) and case CAED 2:22CR00204-03-WBS. In the time that the defendant was brought from serving that sentence to this court for proceedings here is the court's understanding that that time would not have otherwise been credited by the Bureau of Prisons. So, that is the reason the sentence has been adjusted to take account of that time. This sentence imposed by this Court shall run concurrently to the other sentence, which means that it shall run concurrent from the time that this sentence is imposed, and not run concurrently to any previously served time on that sentence.
- ☒ Defendant shall submit to the collection of DNA
- ☒ **Special Assessment:** \$100 due immediately ☒ **Fine:** Waived
- ☒ **Term of supervised release:** 36 months
- ☒ **Conditions of supervised release:** Refer to Judgment and Commitment order.
- ☒ **Special Conditions:** Refer to Judgment and Commitment order.
- ☒ **Recommendation:** The Court recommends that the defendant participate in the 500-Hour Bureau of Prisons Substance Abuse Treatment Program.

- [X] **Upon motion made by the Government, the Court dismisses:** Counts 1, 10, 11 and 12.
- [X] **Appeal Rights:** Waived
- [X] Defendant is remanded to the custody of the US Marshal.
- [X] **Other:** The Court confers with counsel re the PSR and the parties' briefs, and states modifications as noted on the record. The US Probation Officer shall file an amended PSR with the modifications made as noted on the record.

The Court DENIES defense counsel's request to be relieved a counsel of record at this time.